

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, <i>Co-Chair</i> (1944-2013) MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
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VIA ECF AND FEDERAL EXPRESS

January 17, 2017

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees, on behalf of all plaintiffs, and defendants Kingdom of Saudi Arabia and Saudi High Commission for Relief of Bosnia & Herzegovina ("SHC"), jointly write to update the Court concerning the revised projection for the anticipated timing of a decision from the Second Circuit on the parties' joint motion for remand of the pending appeal as to the Kingdom and SHC, and to propose an adjustment of relevant deadlines in light of same.

Given that the scheduling proposals previously submitted by the parties and endorsed by the Court were based on an expectation that a ruling on the joint motion for remand would issue by mid-January, plaintiffs' counsel contacted the assigned case manager in the Second Circuit earlier this week to inquire as to whether the anticipated timing of a decision on that motion remained unchanged. After checking with the staff attorney's office of the Second Circuit, which is currently reviewing the motion, the case manager advised that a ruling on the motion would not issue by mid-January as previously contemplated, and that it would likely be another month before the staff attorney's office presented the motion to a panel for decision. The case manager indicated that staff counsel's work on the motion was taking longer than expected due to the scope of the record in these proceedings.

In light of this new information, plaintiffs' counsel contacted counsel for the Kingdom to discuss how best to proceed. Given the continuing uncertainty as to the precise timing of the Second Circuit's decision on the joint motion, and recognizing that the decision may include

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language that plaintiffs will want to address in their amended pleading, the parties mutually agreed that it would make sense to tie the deadline for providing the proposed pleading to counsel for the Kingdom to the issuance of the Second Circuit's decision. To that end, the parties mutually propose that the deadline for plaintiffs to serve their proposed amended pleading on counsel for Saudi Arabia be set for 10 days from the date of the issuance of the Second Circuit's decision on the joint motion for vacatur and remand.

The parties also discussed the case management conference currently set for February 8, 2017, and believe the conference should proceed as scheduled. To the extent the Second Circuit has by that date issued its decision on the joint motion, the parties will be able to address a schedule for further proceedings as to the Kingdom and SHC at that time. Further, even if the Second Circuit has not issued its decision, there are additional agenda items scheduled for discussion at the case management conference.

We thank Your Honor in advance for the Court's consideration of these matters.

Respectfully submitted,

COZEN O'CONNOR

/s/ Sean P. Carter

Sean P. Carter, Esq.

SPC/:bdw

cc: The Honorable George B. Daniels (via ECF and Federal Express)


~~ALL MDL Counsel of Record (via ECF)~~

The parties' mutual request to adjust the deadline for the filing of the amended complaint against the Kingdom of Saudi Arabia and the Saudi High Commission for Relief of Bosnia and Herzegovina is GRANTED. Plaintiffs shall serve their amended complaint within 10 days from the date the Court of Appeals for the Second Circuit issues its decision on the joint motion for vacatur and remand.

The parties shall file a joint letter by January 20, 2017, addressing whether the February 8, 2017 Joint Conference before myself and Judge Daniels should proceed and, if so, what the parties seek to address at that time. Upon review of that letter, the Court will advise whether the Joint Conference, or a conference solely before myself, will proceed.

SO ORDERED.

New York, New York
January 17, 2017



SARAH NETBURN
United States Magistrate Judge